

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA,) CIVIL ACTION NO. 19-cv-01518
Plaintiff)
)
v.) JUDGE
)
\$75,269.00 IN UNITED STATES) MAGISTRATE JUDGE
CURRENCY,)
Defendant <i>in rem</i> .)

VERIFIED COMPLAINT FOR FORFEITURE

NOW INTO COURT comes the UNITED STATES OF AMERICA (the “Government”) by and through the United States Attorney for the Western District of Louisiana and the undersigned Assistant United States Attorney, who brings this Complaint for Forfeiture *in rem* for the reasons set forth hereafter:

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 1345 and 1355(a) as the Government is the plaintiff commencing this forfeiture action.
2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to the Government’s claims occurred in the Western District of Louisiana.
3. Venue is also proper before this Court pursuant to 28 U.S.C. §§ 1395(a) and (b), as the defendant *in rem* was found and seized in the Western District of Louisiana.

DEFENDANT IN REM

4. The defendant *in rem* of this action consists of SEVENTY-FIVE THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS (\$75,269.00) in U.S. Currency that was seized on

June 18, 2019 at 11015 Gustav Road, Abbeville, Louisiana 70510 (hereinafter the “Defendant Property”).

5. The Defendant Property remains in the custody of the United States Postal Inspection Service.

FACTS

6. The U.S. Mail is often used by narcotics traffickers to transport controlled substances. This occurs because traffickers know that the U.S. Mail, particularly Express and Priority Mail, is considered First Class Mail and is protected against inspection without a Federal Search Warrant.

7. On June 17, 2019, Postal Inspectors were reviewing inbound parcels from Colorado to the Vermilion Parish 705 area zip code, when a parcel was noticed heading to Abbeville, LA 70510. The Parcel was addressed to Robert Leblanc, 11015 Gustave Rd., Abbeville La, 70510. The return address listed H. Movvone, 1605 Utah St., Golden CO 80401. The parcel had a Priority Mail label affixed to it with tracking number 9505510725569165534687 (“the Parcel”).

8. An investigation into postal records revealed that the names listed on the parcel were not associated with the return or addressees’ addresses. The name found to be associated with the 11015 Gustave Road, Abbeville, LA address was Brent Leblanc.

9. The Parcel was suspicious because Postal Inspectors have identified the origin city, Golden, Colorado and surrounding areas as a source area for narcotics and controlled substances. Additionally, the Parcel was suspicious because narcotics traffickers often use fictitious names, or names not associated with the addresses to avoid detection.

10. The Parcel was pulled from the mail stream and the Vermilion Parish Sheriff’s Office Narcotics Division was notified.

11. On June 18, 2019, a Postal Inspector and detective from the Vermilion Parish Sheriff's Office traveled to the 11015 Gustave Road, Abbeville, LA address and spoke with Brent Leblanc. Leblanc admitted the Parcel was his and that the contents were marijuana. After he was advised of his rights, Leblanc consented to the search of the Parcel, which contained approximately one pound of marijuana and five pounds of brownies containing THC. Leblanc stated he paid \$2100 in cash for the Parcel. Leblanc also stated that he usually sells the marijuana for \$80 for a quarter of an ounce. The brownies were for his own consumption.

12. A further search of postal records showed thirteen other parcels coming from Golden, Colorado to the 11015 Gustave Rd., Abbeville, LA 70510 address since October of 2017.

13. Leblanc consented to a search of his home, where additional narcotics (marijuana and pills) and drug paraphernalia were found and seized. The Defendant Property was also found during the search and was seized.

14. On August 1, 2019, the United States Postal Service ("USPS") sent Notice of Seizure of Property and Initiation of Administrative Forfeiture Proceedings as required by 18 U.S.C. § 983(a)(1)(A) to the known interested parties: Brent Leblanc, through counsel Donald D. Cleveland, 819 St. John St., Lafayette, LA 70501 and Lawrence C. Billeaud, 706 W. University Ave., Lafayette, LA 70506 and Robert Leblanc, 11015 Gustave Road, Abbeville, LA 70501.

15. Leblanc filed a claim of ownership to the Defendant Property on September 3, 2019. The time has expired for any other person to file a claim to the Defendant Property under 18 U.S.C. §§ 983(a)(2)(A)-(E), and no person other than Leblanc has filed a claim to the Defendant Property as required by law in the administrative forfeiture proceeding.

16. Leblanc claimed that the Defendant Property was his life savings and was not related to the sale of marijuana.

VIOLATION OF 21 U.S.C. § 841

17. Pursuant to 21 U.S.C. § 841(a)(1), it is unlawful for any person to knowingly or intentionally manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

18. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(b) because it was furnished or intended to be furnished in exchange for a controlled substance; is traceable to such an exchange; or was money used or intended to be used to facilitate a violation of Chapter 13, Subchapter I of Title 21 of the United States Code.

19. This action is required to be brought in the United States District Court pursuant to 18 U.S.C. § 983(a)(3)(A), because Brent Leblanc filed a claim of ownership in the administrative forfeiture proceeding.

CONCLUSION AND RELIEF

Plaintiff, the United States of America, requests that a warrant and summons be issued for the arrest and seizure of the Defendant Property; that due notice be given to all interested persons known or thought to have an interest in or right against the Defendant Property to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the Defendant Property be condemned and forfeited to the United States of America; that the United States of America be awarded costs and disbursements in this action according to law; and that the United States be granted such other further relief as this Court may deem just and proper.

Respectfully submitted,

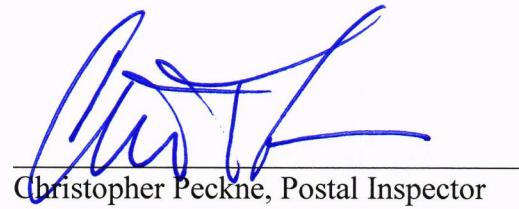
DAVID C. JOSEPH
United States Attorney

Dated: November 26, 2019

s/Melissa L. Theriot
MELISSA L. THERIOT (#22628)
Assistant United States Attorney
800 Lafayette St., Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618
Facsimile: (337) 262-6693
Email: melissa.theriot@usdoj.gov

VERIFICATION

I, CHRISTOPHER PECKNE, state that I am a Postal Inspector with the United States Postal Inspection Service in the Houston Division Headquarters. I have read the foregoing Complaint for Forfeiture and declare under penalty of perjury that the facts contained therein are true and correct based upon knowledge possessed by me or upon information received from other law enforcement agents.



Christopher Peckne, Postal Inspector

Dated: 11/27/2019

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Melissa L. Theriot, #22628, Assistant United States Attorney,
 800 Lafayette Street, Suite 2200, Lafayette, LA 70501-6832
 Telephone: (337) 262-6618

DEFENDANTS

\$75,269 in U.S. Currency

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (*If Known*)**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
 21 U.S.C. 841, 881, 18 U.S.C. 981(b)

VI. CAUSE OF ACTION

Brief description of cause:
 Civil Asset Forfeiture

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

SIGNATURE OF ATTORNEY OF RECORD
 s/ Melissa L. Theriot

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA,) CIVIL ACTION NO. 19-cv-01518
Plaintiff)
)
v.) JUDGE
)
\$75,269 IN UNITED STATES CURRENCY,) MAGISTRATE JUDGE
Defendant <i>in rem</i> .)
)

WARRANT FOR ARREST OF PROPERTY IN REM

TO: THE MARSHAL OF THE UNITED STATES

WHEREAS, on November 26, 2019, the United States of America filed a Verified Complaint for Forfeiture in the United States District Court for the Western District of Louisiana, alleging that the Defendant Property, to wit: SEVENTY-FIVE THOUSAND TWO HUNDRED SIXTY NINE DOLLARS (\$75,269.00) in United States Currency, seized by the United States Postal Inspection Service (the “Postal Service”) on or about June 18, 2019, is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(b), for the reasons set forth in the Complaint; and

WHEREAS, the Defendant Property is currently in the possession, custody and control of the government; and

WHEREAS, in these circumstances Supplemental Rule G(3)(b)(i) directs the Clerk of Court to issue an arrest warrant in rem for the arrest of the Defendant Property; and

WHEREAS, Supplemental Rule G(3)(c) provides that the warrant of arrest in rem must be delivered to a person or organization authorized to execute it, who may be a marshal or any other United States officer or employee; and

WHEREAS, pursuant to 18 U.S.C. § 981(c), the Defendant Property is deemed to be in the custody of the Postal Service subject to further orders of the Court;

NOW THEREFORE, YOU ARE HEREBY COMMANDED to arrest the above named Defendant Property by serving a copy of this warrant on the Postal Service in whose possession, custody and control the Defendant Property is presently found and who is to use whatever means may be appropriate to protect and maintain it in its custody until further order of the Court.

YOU ARE FURTHER COMMANDED, promptly after execution of this process, to file same in this Court with your return thereon, identifying the individuals upon whom copies were served and the manner employed.

SIGNED this _____ day of November, 2019.

CLERK, UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

By: _____
DEPUTY